

From: Brent Johnson
To: Scott Hennessy
Date: 12/8/99 2:13PM
Subject: Re: Question

When a judge orders attorney fees it can be treated like restitution and simply passed through the court.

The \$300 can be paid over to the plaintiff if the plaintiff is successful in a judgment against the state. If the plaintiff is not successful, either through some type of dismissal, or judgment, the state has a period of time to make a claim on the money or it can be returned to the plaintiff. The statute does not give a specific time, but we could create one - say 60 days. The money can be returned to plaintiff without a court order in those circumstances.

A signed minute entry qualifies as a valid court order, so civil bail can be released to the person entitled in that circumstance.

>>> Scott Hennessy 12/07/99 10:34AM >>>

I guess occasionally I will need to ask you questions, to update the Acct. Manual, as I get inquiries from the field. Here is today's

When the Judge orders Attorney Fees be paid through the court, do the clerks need to have an order signed by the judge every time that money is received in order to send it or can it just be forwarded for payment like restitution is? If an order is needed, can the judge just initial the minute entry or docket that it be refunded when received?

When \$300.00 has been posted as a bond when suing a government entity (Utah Code Ann. 63-30-19) When can the clerk return the money - when there is a disposition? And can they return it automatically like appeal bonds, or must they have a motion and order to release it?

On Civil bail, if the judge authorizes the release, but an order is not prepared, can a signed minute entry from the judge do to release it to who posted it? Or in lieu of releasing it, can we only send it to unclaimed property from a signed minute entry?